


AFFIDAVIT OF UPS OVERNIGHT

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

MARIANNA BEDINER being duly sworn, deposes and says I am not a party of this action, I am over 18 years of age and my business address is c/o Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, Fifth Floor, New York, New York 10001.

On the 1st day of March, 2007, deponent served a true copy of the annexed **PLAINTIFF GREAT WHITE BEAR LLC'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT MERVYNS'S MOTION FOR JUDGMENT ON THE PLEADINGS AND IN SUPPORT OF PLAINTIFF GREAT WHITE BEAR LLC'S CROSS-MOTION TO AMEND, NOTICE OF CROSS-MOTION** via UPS Overnight Mail, Tracking No.: 1Z 869 6XX 22 1008 8478, in a pre-paid wrapper addressed to:

TO: ORRICK, HERRINGTON & SUTCLIFFE LLP
Attn.: Lisa T. Simpson, Esq./Rishona Fleishman, Esq.
666 Fifth Avenue
New York, New York 10103


Marianna Bediner

Sworn to before me this
1st day of March, 2007


NOTARY PUBLIC

ALAN M. SHECTMAN
Notary Public, State of New York
No. 02SH5049602
Qualified in Putnam County
Commission Expires September 18, 2009